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In Case Number CV 06 05411 SBA (Ballard)\*

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

BARRY SMITH and MICHAEL  
WIGGINS, individual; on behalf of  
herself and all others similarly  
situated,

Plaintiffs

vs.

WAL-MART STORES, INC., a  
Delaware Corporation, and Does  
One through Twenty-Five,  
inclusive,

Defendants.

DANTON BALLARD and  
NATHAN LYONS, individually  
and on behalf of all others similarly  
situated,

Plaintiffs

vs.

WAL-MART STORES, INC., a  
Delaware Corporation; and Does 1  
through 20, inclusive,

Defendants.

Case Numbers: C 06 02069 SBA  
and  
CV 06 05411 SBA

**CLASS ACTION**

**ORDER APPROVING STIPULATION  
CONSOLIDATING CLASS ACTIONS  
AND PERMITTING FILING OF  
CONSOLIDATED CLASS ACTION  
COMPLAINT**

**ADDITIONAL PLAINTIFFS' COUNSEL**

**Smith vs. Wal-Mart**  
C 06 02069 SBA

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**Ballard vs. Wal-Mart**  
CV 06 05411 SBA

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The Court, having read and considered the Stipulation of the parties to consolidate the cases of Barry Smith and Michael Wiggins v. Wal-Mart Stores, Inc., Case No. C 06 02069 SBA (hereinafter “Smith Action”), and Danton Ballard and Nathan Lyons v. Wal-Mart Stores, Inc., Case No. CV 06 05411 JSW, and to permit the filing of the proposed Consolidated Complaint hereby orders as follows:

1. The related cases of:  
Smith et al. v. Wal-Mart Stores, Inc., Case No. C 06 02069 SBA; and  
Ballard et al. v. Wal-Mart Stores, Inc., Case No. CV 06 05411 SBA  
are consolidated for all purposes pursuant to *Federal Rules of Civil Procedure* 42(a).

2. Every pleading filed in the consolidated action shall bear the following caption:

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

In Re WAL-MART STORES, INC.  
WAGE AND HOUR LITIGATION

Case No. C 06 02069 SBA  
**CLASS ACTION**

This Document Relates To:

Case Nos.

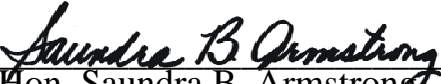
C 06 02069 SBA (Smith) and  
CV 06 05411 SBA (Ballard)

3. The Proposed Consolidated Class Action Complaint (“Proposed Complaint”), concurrently lodged herewith, will be the operative complaint in the consolidated action.

4. The Proposed Complaint will be deemed filed on the date this Court executes this Order.

1           5. Defendant waives service of the Proposed Complaint and will have thirty  
2 (30) days to respond to said complaint from the date Defendant receives notice that this  
3 Court has issued this Order.

4  
5 Dated: 1/9/07

  
6 Hon. Sandra B. Armstrong  
United States District Court Judge